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Filed 10/7/2010

Vehicle Owners' Bill of Rights

AN ACT Relating to establishing a vehicle owners' bill of rights; amending RCW 46.17.350, 46.17.035, 46.17.035, 82.08.020, 46.17.200, 81.104.160, 36.120.050, and 46.63.170; adding a new section to chapter 46.17 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 46.68 RCW; creating new sections; and repealing RCW 46.17.365, 46.68.415, 81.100.060, and 82.44.035.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. **Sec. 1.** Vehicle owners deserve respect. Vehicle owners' spending represents a huge portion of Washington's state and local economy, generating billions of dollars every year in taxes, fees, fines, and other revenue. Vehicle owners are entitled to fair treatment. This measure establishes a vehicle owners' bill of rights to ensure that vehicle owners are treated fairly and reasonable limits are set forth for vehicle-related charges. The rights guaranteed by this act are:

(1) Vehicle owners have a right to \$30 tabs. Voters have repeatedly approved \$30 tabs, yet politicians continually ignore the

1 voters' repeated, unambiguous mandate by unilaterally imposing
2 higher and higher vehicle taxes and fees to get around the voters'
3 clear intent. Voters' ballot box decisions need to be respected.

4 (2) Vehicle owners have a right to vote on any increase in
5 government-imposed charges relating to motor vehicles.

6 (3) Vehicle owners have a right to reasonable limits on fines
7 relating to red-light cameras and speed cameras. This measure sets
8 the fines at \$30, the cost of a normal parking ticket which was the
9 original intent of the authorizing legislation in 2005 and which
10 removes the profit motive for cities to impose them.

11 (4) Vehicle owners have a right to vote on red-light cameras
12 and speed cameras because such an intrusive, Big Brother policy must
13 have the consent of the governed. This measure prohibits
14 governments and for-profit camera companies from installing or
15 maintaining camera surveillance to impose fines unless such a policy
16 is put on the ballot and approved by the voters in that
17 jurisdiction.

18
19 **VEHICLE OWNERS' BILL OF RIGHTS #1:**

20 **\$30 TABS**

21
22 **NEW SECTION. Sec. 2.** A new section is added to chapter 46.17
23 RCW to read as follows:

24 License tab fees are set at \$30 per year for motor vehicles,
25 regardless of year, value, make, or model, subject to the
26 requirements of RCW 46.17.350.

27
28 **Sec. 3.** RCW 46.17.350 and 2010 c 161 s 531 are each amended
29 to read as follows:

30 (1) Subject to subsections (2) and (3) of this section, before
31 accepting an application for a vehicle registration, the department,
32 county auditor or other agent, or subagent appointed by the director

1 shall require the applicant, unless specifically exempt, to pay the
2 following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035(2)
(l) Snowmobile	\$ 30.00	\$ 30.00	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030

(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

1
2 ~~((The vehicle license fee required in subsection (1) of~~
3 ~~this section is in addition to the filing fee required under RCW~~
4 ~~46.17.005, and any other fee or tax required by law))~~ In any
5 jurisdiction which imposes a nonvoter-approved vehicle fee after the
6 effective date of this act, such as a transportation benefit
7 district under RCW 36.73.065 or 82.80.140 or other required fees
8 necessary for licensing or renewal, license tab fees on a motor
9 vehicle for a vehicle owner in that jurisdiction shall be set at
10 thirty dollars minus the amount(s) of any nonvoter-approved vehicle
11 fee(s) and minus any license tab charge collected under RCW
12 46.16.076.

13 (3) Any increase in government-imposed charges relating to
14 motor vehicles may not take effect unless voters approve the
15 increase at an election.

16
17 **Sec. 4.** RCW 46.17.035 and 2010 c 161 s 530 are each amended
18 to read as follows:

19 (1) In lieu of the vehicle license fee required under RCW
20 46.17.350 and before accepting an application for a vehicle
21 registration for motor vehicles described in RCW 46.16A.455, the
22 department, county auditor or other agent, or subagent appointed by
23 the director shall require the applicant, unless specifically
24 exempt, to pay the following license fee by gross weight:

WEIGHT	SCHEDULE A	SCHEDULE B
((4,000 lbs.))	\$ ((38.00))	\$ ((38.00))
4,000 lbs.	<u>30.00</u>	30.00
((6,000 lbs.))	\$ ((48.00))	\$ ((48.00))
6,000 lbs.	<u>30.00</u>	<u>30.00</u>
((8,000 lbs.))	\$ ((58.00))	\$ ((58.00))
8,000 lbs.	<u>30.00</u>	<u>30.00</u>
((10,000 lbs.))	\$ ((60.00))	\$ ((60.00))
10,000 lbs.	<u>30.00</u>	<u>30.00</u>
12,000 lbs.	77.00	77.00
14,000 lbs.	88.00	88.00
16,000 lbs.	100.00	100.00
18,000 lbs.	152.00	152.00
20,000 lbs.	169.00	169.00
22,000 lbs.	183.00	183.00
24,000 lbs.	198.00	198.00
26,000 lbs.	209.00	209.00
28,000 lbs.	247.00	247.00
30,000 lbs.	285.00	285.00
32,000 lbs.	344.00	344.00
34,000 lbs.	366.00	366.00
36,000 lbs.	397.00	397.00
40,000 lbs.	499.00	499.00
42,000 lbs.	519.00	609.00
44,000 lbs.	530.00	620.00
46,000 lbs.	570.00	660.00
48,000 lbs.	594.00	684.00
50,000 lbs.	645.00	735.00
52,000 lbs.	678.00	768.00
54,000 lbs.	732.00	822.00
56,000 lbs.	773.00	863.00
58,000 lbs.	804.00	894.00
60,000 lbs.	857.00	947.00
62,000 lbs.	919.00	1,009.00
64,000 lbs.	939.00	1,029.00
66,000 lbs.	1046.00	1,136.00
68,000 lbs.	1091.00	1,181.00
70,000 lbs.	1175.00	1,265.00
72,000 lbs.	1257.00	1,347.00
74,000 lbs.	1366.00	1,456.00
76,000 lbs.	1476.00	1,566.00
78,000 lbs.	1612.00	1,702.00
80,000 lbs.	1740.00	1,830.00
82,000 lbs.	1861.00	1,951.00
84,000 lbs.	1981.00	2,071.00
86,000 lbs.	2102.00	2,192.00
88,000 lbs.	2223.00	2,313.00
90,000 lbs.	2344.00	2,434.00
92,000 lbs.	2464.00	2,554.00
94,000 lbs.	2585.00	2,675.00
96,000 lbs.	2706.00	2,796.00
98,000 lbs.	2827.00	2,917.00
100,000 lbs.	2947.00	3,037.00

102,000 lbs.	3068.00	3,158.00
104,000 lbs.	3189.00	3,279.00
105,500 lbs.	3310.00	3,400.00

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section are in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law.

(5) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

Sec. 5. RCW 46.17.035 and 2010 c 161 s 530 are each amended to read as follows:

RCW 46.17.005 and 2010 c 161 s 501 are each amended to read as follows:

(1) Subject to RCW 46.17.350, a person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a three dollar filing fee (~~in addition to any other fees and taxes required by law~~)).

(2) A person who applies for a certificate of title shall pay a four dollar filing fee in addition to any other fees and taxes required by law.

(3) The filing fees established in this section must be distributed under RCW 46.68.400.

NEW SECTION. Sec. __. The following acts or parts of acts are each repealed:

(1) RCW 46.17.365 (Motor vehicle weight fee--Motor home vehicle weight fee. (Effective July 1, 2011.)) and 2010 c 161 s 533; and

(2) RCW 46.68.415 (Motor vehicle weight fee, motor home vehicle weight fee--Disposition. (Effective July 1, 2011.)) and 2010 c 161 s 813.

NEW SECTION. **Sec. 6.** The following acts or parts of acts are each repealed:

(1) RCW 46.17.365 (Motor vehicle weight fee--Motor home vehicle weight fee. (Effective July 1, 2011.)) and 2010 c 161 s 533; and

(2) RCW 46.68.415 (Motor vehicle weight fee--motor home vehicle--Disposition. (Effective July 1, 2011)) and 2010 c 161 s 813.

Sec. 7. RCW 82.08.020 and 2010 c 106 s 212 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

~~(3) ((Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.~~

~~(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not~~

~~include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.~~

~~—(5))~~ Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.

~~((+6))~~ (4) The taxes imposed under this chapter apply to successive retail sales of the same property.

~~((+7))~~ (5) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

(6) Taxes levied and collected under subsection (1) of this section from the sale of a motor vehicle must be reduced by the amount of fees, if any, charged under RCW 46.70.180(2)(a) (ii) and (iii).

Sec. 8. RCW 46.17.200 and 2010 c 161 s 518 are each amended to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Reflectivity	\$	RCW
	((2.00))	46.68.070
	<u>0.50</u>	
Replacement	\$	RCW
	((10.00))	46.68.070
	<u>0.50</u>	
Replacement,	\$	RCW
motorcycle	((2.00))	46.68.070
	<u>0.50</u>	

(b) A license plate retention fee, as required under RCW 46.16A.200(10)(a)(iii), of ~~((twenty dollars))~~ fifty cents if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The ~~((twenty dollar))~~ fifty cent fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ~~((ten dollar))~~ fifty cent license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ~~((ten dollar))~~ fifty cent license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a ~~((five dollar))~~ fifty cent license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

Sec. 9. RCW 81.104.160 and 2010 c 280 s 4 are each amended to read as follows:

(1) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and

82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(2) Any motor vehicle excise tax ((previously)) imposed or bond issued under ((the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996)) this section prior to the effective date of this act is discontinued as provided in section 10 of this act.

NEW SECTION. **Sec. 10.** A new section is added to chapter 81.112 RCW to read as follows:

An authority must fully retire or defease any outstanding bonds by ninety days following the effective date of this section if: (1) The bonds have pledged the motor vehicle excise tax imposed under RCW 81.104.160 prior to the effective date of this act; and (2) the bonds, by virtue of the terms of the bond contract, covenants, or similar terms, may be defeased or retired early at the authority's discretion. To defease the outstanding bonds, the authority must set aside with a trustee or escrow agent and pledge for that purpose cash and/or nonmalleable government obligations sufficient to redeem and retire such bonds. The authority may use funds from the sale or liquidation of liquid assets, including cash reserves and short term investments and securities, and, if necessary, the sale of other assets. The pledged motor vehicle excise tax may not be collected after ninety days following the effective date of this section or the date the bonds have been fully retired or defeased, whichever occurs first.

NEW SECTION. **Sec. 11.** The following acts or parts of acts are each repealed:

(1) RCW 81.100.060 (Imposition of surcharge--Excise tax) and 2006 c 318 s 2, 2006 c 311 s 15, 2002 c 56 s 411, 1998 c 321 s 34, 1992 c 194 s 12, 1991 c 363 s 154, & 1990 c 43 s 17; and

(2) RCW 82.44.035 (Valuation of vehicles) and 2010 c 161 s 910 & 2006 c 318 s 1.

Sec. 12. RCW 36.120.050 and 2008 c 122 s 16 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition or authorization of some or all of the following revenue sources, which a regional transportation investment district may impose or authorize upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.1 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) ~~((A local motor vehicle excise tax under RCW 81.100.060;~~
~~(e)))~~ A local option fuel tax under RCW 82.80.120;

~~((f)))~~ (e) An employer excise tax under RCW 81.100.030; and

~~((g)))~~ (f) Vehicle tolls on new or reconstructed local or regional arterials or state routes within the boundaries of the district, if the following conditions are met:

(i) Consistent with RCW 47.56.820, the vehicle toll must first be authorized by the legislature if the toll is imposed on a state route;

(ii) Consistent with RCW 47.56.850, the vehicle toll, including

any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in RCW 47.56.850 if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility;

(iii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iv) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority, and shall act in accordance with RCW 47.56.850.

(2) Taxes, fees, and tolls may not be imposed or authorized without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

VEHICLE OWNERS' BILL OF RIGHTS #2:

THE RIGHT TO VOTE

NEW SECTION. **Sec. 13.** A new section is added to chapter 46.68 RCW to read as follows:

Any increase in government-imposed charges relating to motor vehicles may not take effect unless and until voters approve the increase at an election.

VEHICLE OWNERS' BILL OF RIGHTS #3:

CAMERA-IMPOSED FINES SET AT \$30

AND

VEHICLE OWNERS' BILL OF RIGHTS #4:

THE RIGHT TO VOTE

Sec. 14. RCW 46.63.170 and 2010 c 161 s 1127 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance that is only valid if approved by a vote of the people at an election in that jurisdiction allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Any government using camera surveillance to impose fines (automated traffic safety cameras) before the effective date of this act must ask the voters within its jurisdiction for permission to continue the program at an election no later than six months following the effective date of this section.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009 if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations subject to the voter approval requirements in (a) of this subsection (1).

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(~~(e)~~) (d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly

indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed (~~the amount of a fine issued for other parking infractions within the jurisdiction~~) \$30.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2), chapter 470, Laws of 2009.

MISCELLANEOUS

NEW SECTION. **Sec. 15.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other

persons or circumstances is not affected. If the repeal or reduction of any tax, fee or charge in this act is judicially held to impair any contract in existence as of the effective date of this section, the repeal of pledged revenues shall apply to any other contract, including novation, renewal, or refunding (in the case of bond contract).

NEW SECTION. **Sec. 17.** (1) If a taxing district continues to collect tax revenue from a tax, fee, or charge that is repealed, reduced, or eliminated by this act, for any reason, including reliance on a judicial determination that such taxes, fees, or charges may continue to be collected, and a court rules subsequently that the continued collection of tax, fee, or charge revenues was unlawful, taxpayers are entitled to a refund of the tax, fee, or charge paid plus eighteen percent annualized interest (calculated from the effective date of this section to the date the refunds are sent) on the refund amount due to vehicle owners, plus litigation costs and attorneys' fees reasonably incurred in seeking refunds. For an authority under chapter 81.112 RCW, referenced in section 10 of this act, the calculation will be from ninety days following the effective date of this section to the date the refunds are sent.

(2) The people find that taxpayers deserve to be compensated when state or local governments continue to collect taxes, fees, or charges illegally.

NEW SECTION. **Sec. 18.** This act is called the "Vehicle Owners' Bill of Rights."

--- END ---